

Amendment to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Presently Amended) A device for cutting or ablating tissue in a human or veterinary patient, said device comprising:

an elongate probe having a distal end, said elongate probe comprising an outer tube that has a longitudinal axis, lumen and a distal end and an inner tube that has a longitudinal axis, a lumen, a distal portion, an outer surface and a distal opening, said inner tube extending through the lumen of the outer tube such that the distal portion of the of the inner tube extends out of and beyond the distal end of the outer tube, the distal end of the outer tube being sealed about the outer surface of the inner tube, there being an aperture formed in a side of the outer tube;

a tissue cutting or ablating apparatus; and

a protector on the portion of the inner tube that extends out of and beyond the distal end of the inner tube that extends from the probe, said protector extending at an angle relative to the longitudinal axis of the inner tube, said protector having a first side and a second side[.];

an energy emitting member that extends through the lumen of the inner tube and out of the distal opening of the inner tube, said energy emitting member being operative to emit tissue cutting or ablating energy at a location between the distal opening of the inner tube and the first side of the protector;

said protector being positionable such that tissue that is to be cut or ablated by the emitted energy is adjacent to the first side of the protector and tissue that is to be protected is adjacent to the second side of the protector, said protector being at least partially formed of an insulating material to deter thermal damage to tissue located adjacent to the second side of the protector when the energy emitting member is emitting tissue cutting or ablation energy the tissue cutting or ablating apparatus being useable to cut or ablate tissue that is located adjacent to the first side of the protector without causing substantial damage to tissue located adjacent to the second side of the protector.

2. (Cancelled)

3. (Cancelled)

4. (Original) A device according to Claim 1 wherein the protector is formed entirely of insulating material.
5. (Original) A device according to Claim 1 wherein the protector is formed of metal that is at least partially covered by an insulating material.
6. (Presently Amended) A device according to Claim 1 wherein the insulating material comprises [[a]] at least partial polymer coating.
7. (Original) A device according to Claim 6 wherein the polymer coating comprises a polyimide coating.
8. (Original) A device according to Claim 7 wherein the polymer coating is applied to at least a portion of the protector by dipping at least a portion of the protector into a liquid polymer solution which subsequently dries and forms a coating.
9. (Presently Amended) A device according to Claim 1 further comprising a source of fluid connected to the lumen of the outer tube to infuse fluid through the lumen of the outer tube and out of the aperture formed in a side of the outer tube ~~an infusion lumen through which fluid can be infused into the patient's body and an aspiration lumen through which fluid can be aspirated out of the patient's body.~~
10. (Presently Amended) A device according to Claim 1 wherein the energy emitting member ~~tissue cutting or ablating apparatus~~ comprises an electrode ~~electrosurgical tissue cutting or ablating apparatus.~~
11. (Presently Amended) A device according to Claim ~~Claims~~ 10 wherein the electrode ~~tissue cutting or ablating apparatus~~ comprises a bipolar electrode ~~configuration~~ having first and second electrode surfaces.

12. (Presently Amended) A device according to Claim 10 wherein the electrode ~~tissue-cutting or ablating apparatus~~ comprises a monopolar electrode and wherein the device further comprises a return electrode that can be is electrically coupled ~~coupleable~~ to the patient's body.

13. (Presently Amended) A device according to Claim 1 wherein the energy emitting member ~~tissue-cutting or ablating apparatus~~ comprises a light emitting apparatus which emits light energy to cut or ablate tissue.

14. (Presently Amended) A device according to Claim 13 wherein the light emitting apparatus ~~tissue-cutting or ablating apparatus~~ emits laser energy.

15. (Presently Amended) A device according to Claim 13 wherein the light emitting apparatus ~~tissue-cutting or ablating apparatus~~ emits light energy that causes thermal destruction of tissue.

16. (Presently Amended) A device according to Claim 13 wherein the light emitting apparatus ~~tissue-cutting or ablating apparatus~~ emits ultraviolet light.

17. (Presently Amended) A device according to Claim 1 wherein the energy emitting member ~~tissue-cutting or ablating apparatus~~ comprises an ultrasonic apparatus which uses ultrasound to cut or ablate tissue.

18. (Cancelled)

19. (Cancelled)

20. (Cancelled)

21. (Cancelled)

22. (Cancelled)

23. (Cancelled)

24. (Cancelled)

25. (Presently Amended) A device according to Claim 24 wherein the outer diameter of the inner tube is smaller than the inner diameter of the outer tube such that fluid may flow through the lumen of the outer tube and out of said aperture wherein at least one aperture is formed in the outer tube to permit fluid to pass into or out of the lumen of the outer tube.

26. (Presently Amended) A device according to Claim 24 wherein the energy emitting member comprises an energy a power transmitting member that extends through the lumen of the inner tube to deliver energy to an energy emitting location between the distal opening of the inner tube and the first side of the protector ~~the tissue ablating or cutting apparatus.~~

27. (Presently Amended) A device according to Claim 26 wherein the energy power transmitting member comprises is an electrically conductive member for delivering electrical energy to the energy emitting location ~~tissue cutting or ablating apparatus.~~

28. (Presently Amended) A device according to Claim 26 wherein the power transmitting member is a light guide for delivering light energy to the energy emitting location ~~tissue cutting or ablating apparatus.~~

29. (Presently Amended) A device according to Claim 26 wherein the power transmitting member is an ultrasound transmission member for delivering ultrasonic energy to the energy emitting location ~~tissue cutting or ablating apparatus.~~

30. (Cancelled)

31. (Cancelled)

32. (Presently Amended) A device according to Claim 1 wherein the ~~tissue-cutting or ablating apparatus emits energy which causes cutting or ablation of tissue and wherein the intensity and/or configuration of energy emitted at the energy emitting location by the tissue cutting or ablating apparatus~~ is such that a strip of tissue of substantially predetermined width is cut or ablated.

33. (Presently Amended) A device according to Claim 1 24 wherein the protector is formed by forming cuts in the distal portion of the inner tube and then bending at least a part of the distal portion of the inner tube to form said protector.

34. (Original) A device according to Claim 33 wherein the protector is further formed by applying an insulating material to the part of the distal end of the inner tube that is bent to form the protector, thereby forming a protector having an insulating material disposed thereon.

35. (Withdrawn) A method for manufacturing a device useful for cutting or ablating tissue in a human or veterinary patient, the method comprising:

- A) providing an outer tube and an inner tube;
- B) positioning the inner tube within the outer tube such that a distal portion of the inner tube extends beyond a distal end of the outer tube;
- C) forming a protector on the distal end of the outer tube by
 - a. cutting at least one notch in the distal end of the inner tube to form at least one leg, and
 - b. bending the first leg to form a protector having a first side and a second side, and
- D) positioning an electrosurgical cutting or ablating apparatus at the distal portion of the inner tube and spaced apart from an adjacent the first side of the protector.

36. (Withdrawn) A method according to claim 35 wherein the step of positioning an electrosurgical cutting or ablating apparatus comprises forming an electrode member from a portion of the inner tube.

37. (Withdrawn) A method according to claim 36 wherein the step of forming an electrode includes forming a second leg in the distal portion of the inner tube.

38. (Withdrawn) A method according to claim 35 wherein the step of bending the first leg comprises the first leg radially inwardly.

39. (Withdrawn) A method according to claim 35 wherein the step of forming the protector further comprises applying an insulating coating on the first leg.

40. (Withdrawn) A method according to claim 36 wherein the step of forming an electrode comprises forming a first electrode from a portion of the inner tube and positioning an electrically conductive member including a second electrode spaced apart from and adjacent to the first electrode.

41. (Withdrawn) A method for cutting or ablating a strip of tissue from a tissue mass, said method comprising the steps of:

- A) providing a device which comprises;
 - i. an elongate probe having a distal end;
 - ii. a tissue cutting or ablating apparatus; and
 - iii. a protector that extends from the probe, said protector having a first side and a second side, said protector being positionable such that tissue that is to be cut or ablated is adjacent to the first side of the protector and tissue that is to be protected is adjacent to the second side of the protector, said protector being at least partially formed of an insulating material;

wherein the tissue cutting or ablating apparatus is useable to cut or ablate tissue located adjacent to the first side of the protector without causing substantial damage to tissue located adjacent to the second side of the protector

- B) positioning the device within or adjacent to the mass of tissue; and
- C) advancing the device such that some of the in a first direction while using the tissue cutting or ablating apparatus to cut or ablate tissue that becomes positioned adjacent to the first side of the protector.

42. (Withdrawn) A method according to Claim 41 wherein the mass of tissue is *in vivo*.
43. (Withdrawn) A method according to Claim 41 wherein the mass of tissue is *in vitro*.
44. (Withdrawn) A method according to Claim 1 wherein the mass of tissue is located within the body of a human or animal subject.
45. (Withdrawn) A method according to Claim 44 wherein the strip of tissue is removed for a diagnostic or therapeutic purpose.
46. (Withdrawn) A method according to Claim 45 wherein the subject suffers from glaucoma and wherein the method is carried out to remove a strip of trabecular meshwork from an eye of the subject to facilitate drainage of aqueous humor from the eye, thereby lowering intraocular pressure.
47. (Withdrawn) A method according to Claim 46 wherein Steps B and C comprise:
inserting the device into the anterior chamber of the eye;
advancing the protector through the trabecular meshwork of the eye and into Schlemm's Canal;
advancing the device such that the protector moves through Schlemm's Canal and the cutting or ablation apparatus cuts or ablates trabecular meshwork tissue that becomes positioned adjacent to the first side of the protector.
48. (Withdrawn) A method according to Claim 41 wherein the method is carried out to form an incision in skin, mucous membrane, an organ, a tumor or other anatomical structure.
49. (Withdrawn) A method according to Claim 41 wherein the device provided in step A has at least one lumen formed therein and wherein the method further comprises the step of:
C) removing fluid or matter through a lumen of the device.
50. (Withdrawn) A method according to Claim 49 wherein a lumen of the device is attached to a source of negative pressure to aspirate the tissue or matter through the lumen of the probe.

51. (Withdrawn) A method according to Claim 41 wherein the device has at least two lumens and wherein the method further comprises:

infusing a fluid through one of the lumens; and

aspirating fluid and/or matter through the other of said lumens.

52. (Presently Amended) The device of claim 1 wherein the energy emitting member creates a plasma field at the energy emitting location ~~cutting or ablating apparatus comprises a plasma generating apparatus which utilizes properties of plasma to cut or ablate tissue.~~

53. (Presently Amended) The device of claim 1 wherein the energy emitting member ~~cutting or ablating apparatus~~ emits infrared light at the energy emitting location.